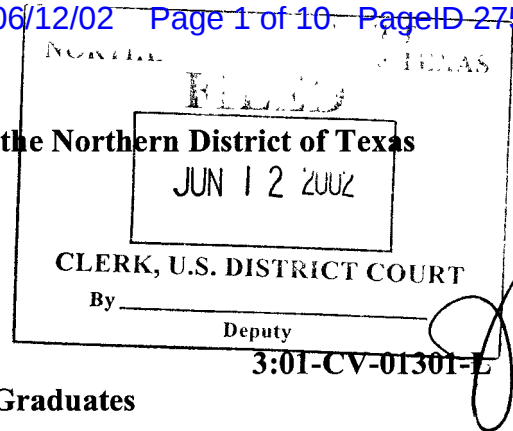


In the United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants



Plaintiff's response to defendant's motion for definitive statement
June 11, 2002

Comes now on this date, the plaintiff is filing his response to the defendant motion for a more definite Statement

Facts

- 1- the defendants admitted to owe the plaintiff a life-term obligations both as an individual, and as a part of a group(as a graduate of foreign medical schools), and as a public, and as a US Citizen.
- 2- The defendants renews their obligations toward the plaintiff(and his group) **every year**(no statute of limitation apply) and they rename the plaintiff(or his group= graduates of Foreign Medical schools) as the beneficiaries for their cause under 501-C-3 and in public, daily and every year and last year. *See exhibits 2 and 3.*
- 3- The obligations toward the plaintiff can be invoked by the plaintiff **at any time he wishes** and **as many times** as he wants(as a returning Physician) because the plaintiff can come back any time at a later date (**exhibit 4**). And the plaintiff is not required to keep or have an ECFMG certificate valid continuously(exhibit 4). The defendants obligations toward the plaintiff(and his group) do not pre-require an ECFMG certificate. And
- 4- Resjudicata does not apply for new incident(new cause of action) or where the new cause of action is bigger than the old, or in cases where continuous or ongoing violations exist, or where new injunction is requested.
- 5- Statute of limitation does not apply in cases where the plaintiff is a part of a group for which the defendants admit and they renew their pledge and obligation every year(new contract/obligations renewed every year)
- 6- **The case is within the statute of limitation** based on the last time of contact or on the last time of renewed request/ renewal/rename the plaintiff as a beneficiary.

- 7- The defendants attorneys admit he wish to take advantage of the plaintiff as a pro-se(with unidentified and unmet Legal NEEDS).
- 8- After the court order of Magistrate judge, the plaintiff requested to have his NEEDS identified and met by the defendants as in (exhibits2 and 13).
- 9- The defendants admitted to owe the plaintiff/ and his group (**exhibit 2**) a life-term duty to **identify**(diagnose) his **NEEDS** and **meet** them(treat them) and provide him with the information etc...
- 10- The defendants conduct business with every corner of the world(minimal contact requirement satisfied). Therefore, the geographic area with the longest statute of limitation) and/or the statute **most favorable to the plaintiff** (*footnote*¹) shall apply, and the USDC where the plaintiff reside must hear it as in **Schruber v. Allis Chalmer Corp.**, 611 f2d 790 , USCA-10 (Kansas 1979).--- see how a Kansas resident brought a case in Kansas USDC using a far away statute of Mississippi, and he won.
- 11- In order for the plaintiff to seek license with any State Medical Board, The plaintiff's NEEDS must be satisfactory **diagnosed and met** by the defendants **First** (exhibit 2). Therefore the defendants are liable for all damages due to delay or failure since the plaintiff last request On July 2001 (this case)- any delay/failure based upon the plaintiff latest request to identify his NEEDS identified and met by the defendants(the plaintiff never asked the defendants before to identify his needs and meet them, so where is the res judicata?). The plaintiff's career and life must never be held hostage to the defendant's fantasies.
- 12- The **defendants admitted** to be the **recipient by Legal and illegal means and in violations of public laws or in their income tax filings**, of *federal*, and *public*/and *private* benefits /exemption / reduced expenses/interests/trade off, from various **sources**(Government, public and private) including business conducted under 501-C-3, and from **exemptions** and **benefits** they could not enjoy otherwise(if it weren't for the plaintiff as a cause), and from **SIX** major *sponsoring organizations*, From *visa sponsorships* and other *verifications* with public and from the public, and by *violations* of various laws of Price fixing(at the expense of the public and the plaintiff interst), and from violations of *public trusts*(the plaintiff is a public), and from violation of the laws 8 USC 1324-b, by acting as *placement agency* for a fees and by deliberately recruiting visa holders. The defendants are also the recipient access of public facilitations where their whole activities depend upon the use of **public** facilities and public/ interstate/ highways, banking, transactions, contacts and contracts etc... **transport of goods and services** for business using the public facilities and the plaintiff tax dollars_

¹ Some States statute of limitation is for life, and there is no res judicata. Plaintiff's place of birth has 25 years statute of limitation

NO MAN IS AN ISLAND, their employees use the **federal and public highways** to get to work and conduct business and transport goods, services; the easy use of public utilities, printing, sewer, communications, reduced postage, and other **subsidized items** among many etc..list is endless.

- 13- The defendants admitted to **the link** between their exemption status and identifying (meeting) the plaintiff's NEEDS (exhibits 2 and 3).
- 14- In addition, Res judicata or limitation do not apply where fraud and decet and scam exist or when defendants hides the evidences in violations of the laws(501-C-3)
- 15- The plaintiff's NEEDS change with time and he is asking the defendants to identify his needs and meet them Now(this cause of action).
- 16- The defendants admitted to be for Profit and in treble amount (exhibits 10 and 11)- and their use of the term non-profit (absent fulfilling their obligations as in exhibits 2 and 3) is fraudulent, scam and deceptive against the Plaintiff and against other parties who may have interest. The defendants cannot be a non-profit for the sole purpose of acquiring benefits or exemptions.
- 17- **This case is a civil: preponderance of evidence or conduct. And evidence must be viewed as most favorable to the plaintiff (FRCP rules)**
- 18- The plaintiff's legal actions are to reclaim his cultural and educational identity and careers, Therefore all the plaintiff's legal NEEDS Must be identified and met before any answer done by the defendants. The defendants are limited to an initial answer only as to whether they are willing to identify and meet the plaintiff NEEDS.. .the defendants are not entitled to answer absent identification and meeting of the plaintiff's needs(legal needs as well).
- 19- The defendants obligations toward the plaintiff(and his group) apply to all graduates of foreign medical schools and regardless of their Certification status. The plaintiff is not required to have an ECFMG Certificate to have the defendants evaluate, identify and meet his needs.

Cause of action

- 20- This case of action was brought on July 2001 when the plaintiff decided to use his right of return as a physician and he asked the defendants for **new evaluation** of his needs and to properly identify his Needs and meet them this time **as of July 2001**(including any legal needs he may have at that time) and as in exhibits 2 and 4. Therefore it is new cause of action starting on July 2001. The defendants are liable for all the losses the plaintiff suffered after July 2001 as a result of failure/delay to diagnose and meet the plaintiff's needs on time -. The liability in

this case is for all the losses occurring after July 2001 even if such loss is a legal loss for failure to properly diagnose and meet the plaintiff's needs.

- 21- The case 3:99-CV-680-D arose when the defendants told(published to) UTSW to deny him a job for July 1997- the defendants denied such publication and the case went separate way and outcome and decision. Therefore the two cases are different and arose out of different circumstances(No res judicata apply).
- 22- This case 3:01-CV-1301-L arise when the plaintiff requested to have his NEEDS evaluated(including his legal NEEDS after Jane Boyle decision)demande the defendants. It is independent of the case 3:99-CV-680-D.

Cause of action

- 1-The plaintiff brought a legal charge on July 2001, after January 2001 of Jane Boyle decision. Asking the defendants to identify his needs and meet them- as new violation of new obligation(breach of contract) beginning June 2001
- 2- new charges based on new evidence for corruption/misuse/or misallocation/or channeling of the plaintiff **benefits or property improper use(including attorneys paid to destroy the plaintiff)**
- 3-the **unjust enrichment** at the expense of the plaintiff proven by the track record of the defendants and become evident after January 2001
- 4**deceptive trade practices** /scam of the plaintiff
- 5-**Misuse** of the plaintiff name to achieve political and self interest goals and powers
- 6-**Prevention of further use of the plaintiff properties and credentials**
- 7-Subjecting the plaintiff to **profiling**(after Jane Boyle order) and further violations of the plaintiff constitutional right and double jeopardy
- 8-Prevention of **further** advancement and excellence of the plaintiff
- 9-Price fixing with displacement of the plaintiff(cause of action as provider, consumer and as a public(charges never brought before)
- 10-Violation of 8 USC 1324-b (motion to include enclosed)
- 11-Failure to serve the plaintiff best interest
- 12-Violations of tax matter(US is the party of interest under-501-C-3)
- 13-Violation of Tax and public matters in which the plaintiff is a party of interest- the plaintiff is a public, and the defendants admitted to owe the plaintiff a duty to (exhibit 3 paragraph c) serve his best interest as a public.

14-New tort claim starting today for failure to diagnose and meet the plaintiff needs and willingness to take advantage of the plaintiff

15-Violations of the terms and obligations toward the plaintiff (duty contract-plaintiff is a party of interest)

16-Violations of 501-C-3 (US is a party) when the defendants failed to fulfill their obligation toward the plaintiff

17-Failure to maintain disclosure to the plaintiff(as public)- the defendants are required to disclose their activities to the plaintiff) public) under 501-C-3

18-Retaliation against the plaintiff

19- Those charges may change when the plaintiff legal NEEDs are identified and met by the defendants(exhibit 2).

Arguments

- 1- the defendants owe the plaintiff a duty(permanent) to diagnose his needs and meet them(exhibit 2 and 3)
- 2- The plaintiff requested to have his needs diagnosed and met by the defendants as in(exhibits 2, 3, and 13) - And the defendants refused to produce the requested documents on several occasions times (exhibit 12 is one such request) --, and the defendants failed to disclose to the plaintiff as required under the law 501-C-3 (failed to comply with public requirement for return and exemption application, and for the requirement as quid pro-quo. All of which are violations, and solicitation of incomes, fees that are not tax deductible, see ERAS).
- 3- The plaintiff motion for summary judgment is based upon (FRCP rules) where the fact of the defendants violation of the previous paragraph. In that defendants refused to identify ..the plaintiff's NEEDs as evidences are clear where defendants refused to answer and produce the requested documents etc..
- 4- **The defendants attorney admitted he wants to answer to the plaintiff's motion...**--the plaintiff asserts that **any initial answer** by the defendants must be as to whether they are willing to identify and meet the plaintiff's'NEEDS or no(exhibit2). Therefore the defendants admitted of the charges brought against them by showing their willingness and readiness to take advantage and exploit the plaintiff as a pro-se(bad diagnosis and bad treatment of the plaintiff's needs) (exhibit 2).
- 5- Even if the plaintiff legal 's NEEDs are not identified, The defendants admitted to the charges brought against them by using the plaintiff's benefit funds against the plaintiff...- all evidences for all charges are thus clear.

- 6- The defendants failure to do their obligation toward the plaintiff is self explanatory of their unjust enrichment and fraud, deceit, scam, etc...when the defendants are allowed to conduct business(profit) and use the plaintiff 's name as a beneficiary /cause without fulfilling their obligations toward the cause(plaintiff). Or diverting the plaintiff's benefit funds for other use to support their own illegal operations or other political agenda than the cause.
- 7- The defendants admitted to raise income through ERAS- acting as a placement agency for a fee, and do deliberate placement of temporary visa holders(plaintiff motion for summary judgment). Therefore, the defendants admitted to the violation of 8-USC 1324-b(**prohibiting placement for fees**) and to the **price Fixing** by their recruitment of visa holders in order to limit actual medical licenses in the US.\
- 8- The defendants lack of answers, along with their behavior, provides evidence of retaliation etc..
- 9- The defendants admitted to **their channeling** of fund to finance their underground illegal operations.(see plaintiff explanations in plaintiff motion for summary filed on May 29, 2002) , see also exhibits attached hereto admissible under FRCP as court records (exhibits 8, 9, 10, and 11 where defendants admitting to be for profit , suing dr Badri to silence her for what she said in exhibit 8).
- 10- In addition to the above , the defendants did not comply with the rules of 501-C-3 and violated tax scam(US party of interest).
- 11- **the defendants violations are ONGOING** , No res judicata or limitation apply and new injunction is requested.
- 12- The defendants attorney admitted ARROGANTLY on April 11, 2002, at 1:03 PM to the existence of exparte communication between the courts and his clients therefore all previous orders are void. Evidence supported by conducts and habit of defendants and by missing funds unaccounted for.
- 13- The plaintiff consent in the case 3:99-CV-680-D lack validity being done under duress and intimidation and the threat of retaliation- all orders are void
- 14- All the defendants argument are rejected and they are old and are distortion of the fact, the plaintiff did not admit that there is no guarantee, and the defendants admitted to have a role and final word in the plaintiff employment status(no employer would ever employ the plaintiff without the consent of the defendants; any employer refusing to comply result in losing his accreditation with penalties and loss of funds etc..)

- 14- the defendant exhibit 6 is untrue, otherwise anyone can fake an ECFMG certificate and get a job, or program directors since they have their own criteria can set their own rules and not require an ECFMG Certificate. Which is not true
- 15- Assuming exhibit 6 is true, The defendants are thus admitting that the plaintiff's needs do not concern them. But the defendants do have the duty to identify what the plaintiff's NEEDs and meet them (exhibit 2)
- 16- The **plaintiff's needs** must be identified and met first by the defendants(exhibit 2) . Only when all needs are met can the plaintiff seek licensure..
- 17- The defendants do more than just certification, they do fifth pathways², they admitted to do various sponsorships of doctors etc..the plaintiff recently and after Jane Boyle order, acquires more than just 75 credit hours(exhibit 1). So what is the excuse.
- 18- The defendants admitted to have a duty to identify and meet the plaintiff's groups needs, therefore since needs are variable, the defendants must have(?) at least the following programs:
- i- programs for returning doctors like the plaintiff.
 - ii- Programs, for doctors who needs to learn medical English
 - iii- Programs for doctors having difficulties in their examination, in their job search, in maximizing their benefits
 - iv- Programs for doctors having difficulties with program directors or medical board.
 - v- Programs that meet the plaintiff's needs
 - vi- Programs for doctors who need to transfer into a US medical school
 - vii- Programs that meet the plaintiff needs abroad
 - viii- Other programs....
- 19- the plaintiff is unaware of any such program, if so the plaintiff is asking to be placed into.
- 20- The only program that the plaintiff knows to exist is that the defendants are willing to spend millions of dollars to destroy the plaintiff.
- 21- The plaintiff is a returning physician and the plaintiff is now returning with full might(exhibit4) and he is asking the defendants to urgently identify his needs and meet them(exhibit 2).
- 22- The plaintiff asserts that the defendants previous techniques have failed and the plaintiff is asking the defendants to start taking their obligations seriously.

² Fifth pathway is a year of clinical training administered by the ECFMG for doctors having 75 credit hour undergraduate in the US and at the end of which doctors are given a letter by the ECFMG(no scores required) as a substitute of an ECFMG Certificate.

- 23- The plaintiff asserts that this case is bigger than the old case and the charges brought are also different, and the incidents are also different.
- 24- The plaintiff asserts that (exhibit 4) clearly state that the plaintiff can return at anytime he chose and ask the defendants to enforce their obligation to identify and meet his ever-changing-needs(exhibit 2 and 3).
- 25- The plaintiff asserts that the defendants have worsened the situation by their delays in meeting the plaintiff needs. The plaintiff asserts that the sooner the defendants identify and meet the plaintiff's needs, the better is to repair the matter and the sooner the plaintiff will be licensed. Their delay in the matter is self explanatory evidence against the defendants.- How much evidence is required to render judgment into the plaintiff's favor
- 26- The plaintiff asserts that he will not allow any person or authority to thrive at the expenses of his NEEDS.
- 27- The plaintiff asserts that he is entitled to have a life like judges and lawyers and other human being. The plaintiff is entitled for self defense against every person who by any mean deprive him the pursuit of happiness.

Conclusion

- 1- the evidences against the defendants are self explanatory and judgment must into the plaintiff's favor. The defendants have shown their readiness to take advantage of the plaintiff and his NEEDS- therefore, judgment must be into the plaintiff favor.
- 2- This action is a bigger case, it is new cause of action(after the old case, it is aggravation of an old damages in more delay of the plaintiff licensure), and new charges never brought before that relate to the general conduct of the defendant where the plaintiff does have standing, and statute of limitations never apply(as new discovered evidence by different and recent and unforeseen charges, and new charges that are consequent to the judgment of Jane Boyle. And new charge of retaliation and profiling (post 3:99-CV-680-D judgment). Where new injunction is highly and urgently demanded.
- 3- All the defendants statement are either denied by the plaintiff or neutralized by the defendants statement Royce Holmes exhibits 4 and 5, or are inapplicable in this new case
- 4- The plaintiff reaffirms all his previous positions and all his previous filings

Demands

Wherefore, premises considered, the plaintiff prays that upon consideration allows the defendants the **last chance** to answer this question(are the defendants willing to identify and meet the plaintiff's needs as required in exhibit2 ?)- if yes, the plaintiff legal needs must be met first prior to any filing or response-- if the defendants answer is NO. then judgment must be into the plaintiff favor.

Attached are the following exhibits and all exhibits and statement are considered to be certified as true and correct by the plaintiff as under oath with maximum penalty of perjury, and the plaintiff signature anywhere in this filing shall be considered as the plaintiff signature on each document.

Exhibit 1- plaintiff college transcript of 93 credit hour(many with honor marked as A #) undergraduate work in the United States

Exhibit2- defendant statements in their income tax filing 1999 showing the link between the defendants status as an exempt and their duties to identify and meet the plaintiff's needs.

Exhibit 3_ from defendants income tax file 1997, showing page 1 of 3 of ECFMG Bylaws

Exhibits 4&5: Royce Holmes letter(defendants) to the plaintiff dated January 13, 1997 , showing that the plaintiff can return as a physician at any time.

Exhibit 6- defendants letter(Stephen Seeling) showing the defendants distancing themselves from their obligations (meeting the plaintiff's needs)

Exhibit 7- Plaintiff revalidation of his ECFMG certificate in 1997- the plaintiff did follow the defendants steps as required. The plaintiff is now waiting for the defendants to identify his needs.

Exhibits 8 and 9: support the plaintiff argument and explanation in his motion for summary judgment dated May 29, 2002. It is part of the court record (admissible under FRCP) of the case 6'99-1676-24(exhibits 10-11). It is by Dr badralsadat in her website unveiling the truth about My opponents ECFMG. My opponent brought the legal action against her in USDC Greenville South Carolina 6-99-1676-24(exhibit 10and 11) demanding treble profit(exhibit 11). Exhibits 8 and 9 were shut down(against dr badralsadat will) by my opponent without winning In court by buying the website it speaks for itself

Exhibits 10 and 11 are pages 1 and 20 of my opponent initial complaint in case 6-99-1676-24 admitting to be for profit and in treble amount(exhibit 11)

Exhibit 12 is one email dated April 23, 2002 from the plaintiff to the defendants. It is one of several types And means of requests of notice to produce that have gone unanswered by the defendants.

Exhibit 13: an e-mail from the plaintiff to the defendants dated March 11, 2002

It is one of several request to have his NEEDS evaluated. And have gone unanswered by the defendants.

Certificate of service and conference: this is to certify that a true copy of the foregoing and attachment was sent to the defendants attorney on June 12, 2002 both via e-mail(spontaneous delivery) and via USPS at their address of record at 6688 N Central Expwy # 850, Dallas Texas 75206-3913, and that the plaintiff contacted and spoke with the defendants attorney Mark Robert on June 11, 2002 at 1:45 PM and sent a message to his client to see if they are willing to identify the plaintiff needs and meet them before July 2002.

Respectfully submitted

Dr Jamal Elhaj_chehade, pro-se(tentatively), plaintiff

5414 Cedar Springs # 806

Dallas Texas 75235

e-mail heyjam7@yahoo.com

